Remarks

The Applicants wish to thank the Examiner for his examination of claims 1-18 in the Final Office Action dated October 10, 2007 ("Final Action"). Claims 1-18 are still pending. No new matter has been added by this amendment.

35 U.S.C. § 101

Claims 10–13 stand rejected under 35 U.S.C. § 101 because, according to the office action, they "are not limited to any particular apparatus or an article but may be practiced with any such suitable software program or instruction. Therefore, claims 10–13 fail under U.S.C. 101 for being software program or instruction, which fails to show any functional relationship between the computer or hardware components." However, applicant notes that the preamble to claim 10 recites a network, and the second element of claim 10 recites "at least one server, in communication with the network." It is known in the art that a server as recited in claim 10 comprises a tangible computer, and that a network comprises at least a tangible computer in communication with the server. Accordingly, applicant submits that claim 10 does in fact require a hardware component, and therefore meets the requirements of 35 U.S.C. § 101. Likewise, claims 11-13 which depend from claim 10 also meet the requirements of 35 U.S.C. § 101.

35 U.S.C. § 112

Claims 14–18 stand rejected under 35 U.S.C. § 112, second paragraph, for (according to the office action) "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14-18 does not meet the metes and bounds of the claim." [sic]

Applicants note that the office action does not point out any word or phrase in any of these claims that is, or causes the claims to be, indefinite, nor does the office action identify any other grounds on which the claims may be considered indefinite.

Applicants note that, in using the phrase "metes and bounds," the cited rejection bears some resemblance to form paragraph 7.34.04 under MPEP § 706.03(d). If that is the basis of the rejection, then applicants note that claims 14-18 do not recite a broad range or limitation together with a narrow range or limitation that falls within the broad

range or limitation, and therefore do not fail to clearly set forth the metes and bounds of the patent protection desired.

In any case, claims 14-18 are not indefinite, and do not fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As such, applicants respectfully request that the Examiner withdraws the rejection of claims 14-18 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 103

Claims 1–18 stand rejected under 35 U.S.C. § 103 because, according to the office action, they are "unpatentable over Conmy (US 2001/0014867) and further in view of Henneuse et al (U.S. 5,963,913)."

Although the presently claimed invention and the prior art both generally relate to events and calendars, and therefore use some similar terminology, their functions are fundamentally different. For example, but without limiting the generality of the foregoing, both the present invention as claimed and the prior art make use of a web page, but those uses are for different purposes, such that the prior art use of a web page for determination of an event time does not anticipate the use of a web page for solicitation of invitees at a scheduled time as claimed. As another example, but also without limiting the generality of the foregoing, the present invention as claimed teaches the use of an "schedule request," but such "schedule request" should not be confused with terms in Conmy and Henneuse relating to the determination in those references of the availability of a desired event attendee.

To better understand the distinctions between the presently claimed invention and the prior art, the Applicants will review the process for determining an event time in the prior art in section 1, which is not necessary in the presently claimed invention, since the time of the event is already known. Applicants will then examine several distinctions between the present invention as claimed, and the teachings of Conmy and Henneuse, as detailed in sections 2 and 3. Applicants will show that Conmy and Henneuse do not teach the use of web pages to solicit attendance, Conmy and Henneuse do not teach the initiation of the scheduling of an event in the calendar of an invitee through interaction by an invitee on a web page of the event organizer, and that Conmy and Henneuse do not

teach the creation of an event record in response to the interaction by the invitee, all as explained in section 3, below.

1. Conmy and Henneuse teach the use of requests for events and the use of web pages in order to determine the availability of potential attendees and the thereby select a time for the event.

Both Conmy and Henneuse involve an event organizer who desires to schedule an event that can be attended by some or all of a known list of potential invitees. Generally, the event organizer is identified as "event coordinator" or "user" in Conmy, and "scheduler" in Henneuse. However, in Conmy and Henneuse the event organizer has a problem in that she needs to find a time when the potential invitees are available before finally establishing a time for the event. Conmy and Henneuse address this problem using, among other things, requests for events, as well as web pages. However, as will be explained below, the requesting of an event in Conmy and Henneuse is fundamentally different from the "schedule request" of the presently claimed invention, and the use of web pages in Conmy and Henneuse is fundamentally different from the use of web pages in the presently claimed invention.

(a) Requesting an event

(i) Conmy

In Conmy, the event coordinator begins with a desired event in need of a time to occur (Conmy paragraph 0007: "It is another object of the invention . . . to facilitate the coordinators' ability to schedule an event."). As such, the event coordinator begins by gathering data about the availability of each potential attendee, and then determines a time for the event based on the availability if the desired attendees. Indeed, the bulk of Conmy's disclosure relates to such processes.

In Conmy, the event coordinator sends a proposed meeting time in a request for an event:

"According to an embodiment of the present invention, the first step in scheduling an event is the generation of a request for an event, as in step 100. In the request, the coordinator may select desired invitees for the

event, including any rooms or other resources that are needed for the event
as well as a preferred date, time, duration, and location for the event."
(Conmy, paragraph 40)

Applicants note the superficial similarity of the phrase "request for an event" in Conmy and the term "schedule request" in the present application. Despite their initial similarity, these terms have different meanings, as will be more fully discussed below.

Applicants also note that Conmy must begin with a specified list of desired attendees from which availability data can then be gathered. This understanding will be helpful in exposing the differences between how Conmy teaches solicitation of potential attendees, and the method of the claims.

For example:

"After all invitees have been selected, the system accesses availability
information from database 200 and if necessary, through calendar connect
unit 310 for invitees that may not be stored in database 200." (Conmy,
paragraph 40);

and:

"The calendaring system enables a user to request allocation of a time
interval for one or more of the plurality of invitees. The calendaring
system gathers the profiles for each of the one or more requested invitees
and determines whether each of the invitees is available during the
requested time interval." (Conmy, paragraph 13);

and:

"Specifically, when a coordinator of an event desires to schedule the event
using the system according to an embodiment of the present invention, the
coordinator specifies the date, time, duration and selects one or more
invitees. Invitees, as detailed below, may comprise users, resources (such
as computer equipment, for example), or rooms, for example. This
information may be input to the system through a graphical user interface,
for example. The information that is provided is then taken by the system

to determine whether that all of the selected invitees are available at the desired date, time, and duration." (Conmy, paragraph 25);

and:

"Based on the calendar information found for 158 invitees, the system according to the present invention provides alternative event times. In accordance with one aspect of the invention, these recommended event times represent the "best fit" for most of the invitees listed, as described in detail below." (Conmy, paragraph 52)

It is clear that Conmy has a defined set of potential invitees because gathering availability data for each potential attendee would not be possible without both a defined set of desired attendees and information that would allow the event organizer to make an availability inquiry. Understanding that Conmy uses a defined set of potential attendees whose availability is known is important to understanding the differences between how Conmy teaches solicitation of potential attendees, and the method of the present invention as claimed, as will be more fully addressed below.

(ii) Henneuse

Similarly, the scheduler in Henneuse who desires to set up an event also begins with an event in search of a time, and a predetermined list of potential invitees [for example, Henneuse column 2, lines 51-53: "Client system 11 is associated with a user who desires to schedule an event (a scheduler)"]. In Henneuse, "The server application receives event information submitted by a scheduler using a client application to access an event definition page. The event information provides one or more options for scheduling an event and lists a plurality of requested participants" (Henneuse, column 1, lines 44-49).

(b) Using web pages

(i) Conmy

Once availability information is known, Conmy then selects a time for the event based on the availability of the list of potential attendees. Conmy teaches that the event

coordinator can assess the availability data through a graphical user interface, which may include a web page:

> "The calendaring system further permits the user to view results in a manner selected from the group consisting of: displaying those invitees that are available, displaying those invitees that are not available and displaying those invitees whose schedule could not be found." (Conmy, paragraph 13)

and:

> "A graphical user interface display unit 312 is provided. GUI display unit 312 may comprise a web browser, for example. GUI display unit 312 is responsible for presenting views to the user as described above with respect to FIGS. 5-9 and for receiving input from the coordinator regarding the requested event date, time, duration, and invitees." (Conmy paragraph 37)

Thus, Conmy teaches a web page that is available to the event coordinator and is a tool for the event coordinator to assess the availability of potential attendees. As a result of such processes, in Conmy the finally selected time of the event is not known or determined until after the web page is used and after information about potential attendee's availability is gathered. Although Conmy uses a web page as described above, this use is for a fundamentally different purpose than the use of a web page in the presently claimed invention, and therefore Conmy does not teach the use of a web page as in the present claims.

In summary, Conmy teaches the use of a defined and finite list of potential invitees of known availability to be solicited, and the use of web page as a tool available to the event coordinator to facilitate selecting a time for the event.

(ii) Henneuse

The method of Henneuse creates three web pages – an "event definition page," an "event reply page" and an "event confirmation page" – all in connection with the process of gathering availability data and selecting a time for the desired event.

The event definition page is used by the scheduler to initiate an inquiry to "requested participants" in order to ascertain their availability. See Henneuse column 1, lines 44-51:

> "The server application receives event information submitted by a scheduler using a client application to access an event definition page. The event information provides one or more options for scheduling an event and lists a plurality of requested participants. Responsive to receiving the event information, the server application creates an event reply page and an event confirmation page."

The event reply page is a web page that allows the "requested participants" to communicate back to the scheduler. See Henneuse column 1, lines 59-61:

> "The server application then receives reply information submitted by the requested participants using client applications to access the event reply page. The server application processes this reply information together with the original event information to generate one or more potential schedules."

The event confirmation page allows the scheduler to select the time that the event is to occur, after she has received feedback from the requested participants.

> "On the other hand, the event confirmation page includes a display of one or more potential schedules for the event based upon reply information submitted by the requested participants. Of course, the event confirmation page does not reflect reply information until it is, in fact, submitted by requested participants. In one embodiment, the server application creates the event confirmation page such that it has restricted access to allow access only to the initiating scheduler. In the Internet implementation, server application 16 provides both the event reply page and the event confirmation page as web pages to which the scheduler and the requested participants have access using respective client applications 12 and 14."
> (Henneuse, column 3, lines 33-45);

and

> "The scheduler is then able to use client application 12 to access and view the potential schedules provided by the event confirmation page. When all requested participants have replied or when the scheduler otherwise decides to do so, the scheduler can submit a confirmation to server application 16 from the event confirmation page. The event confirmation includes a selection by the scheduler of an option for scheduling the event based upon which participants are available." (Henneuse, column 4, lines 19-27).

Clearly, the web pages in Henneuse are used to facilitate communication between the person scheduling the event and the list of desired attendees during the time <u>prior to selecting a time for the event</u>. Indeed, Henneuse even suggests removing the web pages after their usefulness in assisting with the scheduling work has passed. See Henneuse column 4, lines 50-57:

> "Lastly, in step 40, server application 16 optionally allows the event reply page and event confirmation page to expire after an appropriate period of time. Server application 16 then removes these pages so they no longer consume network resources. For example, where the event reply page and event confirmation page are web pages on an intranet, the pages can expire and be removed from storage after the last option for scheduling the event has passed.").

In short, the web page in Henneuse is a tool for the person making the schedule, and is not a solicitation to any potential attendee. Therefore, the web pages of Henneuse are for a fundamentally different purpose than the use of a web page in the independent claims of the present application, and therefore Henneuse does not teach the use of a web page as used in the independent claims.

In summary, both Conmy and Henneuse teach the use of a finite list of potential invitees to be solicited based on their pre-determined availability, and the use of web page as a tool available to the event coordinator to facilitate selecting a time for the event.

As will be discussed below, these facts are important in understanding the difference between the independent method claims of the present invention and the art taught by Conmy and Henneuse.

2. Conmy and Henneuse do not teach at least several limitations of the independent claims.

(a) Conmy and Henneuse do not teach the use of a web page to solicit potential attendees.

The present independent claims require that information about the event is posted, including the previously scheduled time of the event (i.e., _after_ the event has been scheduled), to a network (e.g., web page) where it acts as an open solicitation to viewers of the web page. The present invention as claimed does not send an invitation or message to potential attendees, and in fact could not do so because (unlike Conmy and Henneuse) the event organizer does not require a predefined list of potential attendees whose availability is known.

In contrast, as discussed above Conmy and Henneuse must first determine availability of each desired attendee, and then select a time for the event. Once the time of the event and the list of available desired attendees is fixed, the event creator sends an invitation or message to each such desired attendee. For example, in Conmy:

> "If all invitees can attend, in step 110, the system sends an invitation to the invitees to attend the event, for example, by electronic mail using the address stored for each invitee. The invitees may then either accept the invitation, at which point the system would update their respective calendar files with the new event, or if the invitation is declined, the system notifies the requester." (Conmy, paragraph 41)

Similarly, from the abstract in Henneuse:

> "The server application (16) then creates and sends an electronic mail message to each requested participant to provide information about the one or more options . . . .",

and from Henneuse column 4, lines 41-44:

> "In step 36, after the event confirmation has been received and, optionally, a venue scheduled, server application 16 creates and <u>sends a message to each available participant</u>. This message can inform each available participant of the confirmed schedule for the event and note the indicated availability."

Note that in the true sense of an invitation, each invitee in Conmy and Henneuse then determines whether to accept or decline the invitation. In short, Conmy and Henneuse teach solicitation by sending an invitation or message to each desired attendee, as opposed to the more general solicitation provided by the web page of the presently claimed invention.

Therefore, Conmy and Henneuse do not teach the use of web pages to solicit potential attendees whose availability is unknown, and the methods of solicitation taught by Conmy and Henneuse do not anticipate the method of solicitation in the presently claimed invention.

(b) Conmy and Henneuse do not teach the initiation of calendaring in response to action by the invitee on a web page.

The process of updating calendars in the presently claimed invention is initiated by the invitee, as a result of action by the invitee on a web page published by the event creator. Indeed, the method of the presently claimed invention is not initiated until after a potential attendee becomes aware of the event by viewing the web page. Then, if the potential attendee takes appropriate action on the web page, the process of the presently claimed invention is initiated. For example, but without limiting the present invention, according to paragraph 17 of the present application:

> "An invitee may locate, display and interact with information on the World Wide Web using a Web browser. In accordance with an embodiment of the invention, an event creator provides a link for each event on the Web site. <u>The invitee may then select a link and therefore select the event to be scheduled in the invitee's calendar.</u>"

Conmy and Henneuse teach much different methods.

As a preliminary matter, because Conmy and Henneuse do not teach a web page

as per the presently claimed invention, Conmy and Henneuse cannot teach a process initiated as the result of action by the invitee on such a web page. In addition, the initiation of the processes taught by Conmy and Henneuse are distinguishable on other grounds, as discussed below.

In Conmy, the process of adding an event to the calendar of an attendee is initiated by the system or the event coordinator (sometimes referred to in Conmy as the "user" of the system disclosed in Conmy) after assessing the availability of potential attendees. For example, see Conmy paragraph 41:

> "If all invitees can attend, in step 110, the system sends an invitation to the invitees to attend the event, for example, by electronic mail using the address stored for each invitee. The invitees may then either accept the invitation, at which point the system would update their respective calendar files with the new event, or if the invitation is declined, the system notifies the requester."

Similarly in paragraph 51:

> "When the user has been presented either with a time interval with no conflicting busy time or a best fit time interval and selects that time interval, the system then generates an invitation to the invitee. Other techniques for finding alternative times may also be used."

Applicants note that Conmy does not specify the nature of the invitation, except suggesting it is an email (e.g., paragraphs 41 and 61), or suggesting that it is an undisclosed feature of Lotus Notes (e.g., paragraph 64).

In Conmy, the invitee then decides whether to attend and update her schedule (paragraph 41: "The invitees may then either accept the invitation, at which point the system would update their respective calendar files with the new event, or if the invitation is declined, the system notifies the requester."). Thus it is apparent that the invitee in Conmy is reacting to the process initiated by the event coordinator, and therefore the invitees are not initiating the activity.

Similarly, the scheduler in Henneuse also initiates an invitation process after the availability of the users is known. Specifically, after Henneuse's scheduler confirms the event from the "event confirmation page," the Henneuse system "then creates and sends a

message to each available participant to provide the schedule for the event" (Henneuse column 1, lines 66-67 and column 2, line 1).

Accordingly, the methods of initiating the calendaring of an event as taught by Conmy and Henneuse do not teach a process initiated as the result of action by the invitee on a web page according to the presently claimed invention, and thus, the methods taught by Conmy and Henneuse do not anticipate the presently claimed invention.

(c) Conmy and Henneuse do not teach the creation of an event record according to the presently claimed invention.

In contrast to Conmy and Henneuse (which at best teach putting an event into an invitee's calendar), the presently claimed invention reacts to the user's action on a web page by creating a "schedule request," comprising information about the event, including the time of the event. Note that this "schedule request" is initiated in response to an action by the invitee, and is thereby distinct from an "invitation" in Conmy (which is initiated by the event coordinator) or the "message" in Henneuse (which is initiated by the "scheduler.") Note also that, as discussed above, this "schedule request" should not be confused with the processes by which Conmy and Henneuse determine the availability of their prospective attendees.

Rather, in the presently claimed invention the schedule request is sent to a server, and the server creates a record of the event to be stored on the server or in a database in communication with the server (the "event record"). Note that this record is separate from any record in the calendar of the invitee or the event organizer, as can be seen by the description of paragraph 21 of the present application:

> "Once the server receives the schedule request, the server will use the event identifier and the event creator identifier to determine if the event is new or has been scheduled before by another invitee. If the event is new (i.e., an event record does not exist), an event record is created for the event at block 108. The set of details for the event are stored in the event record as well as the event identifier and the event creator identifier. The event record may also be stored in a database in communication with the server. At block 110 and 112, a reference to the event is added to the invitee's calendar as well as the event creator's calendar. When the invitee

> accesses their calendar, they may view the reference to the event that may include information such as the date, time and location of the event. In addition, a link is created from the invitee's calendar to the event record. A link is also created between the event creator's calendar and the event record."

Accordingly, Conmy and Henneuse do not teach the creation of an event record according to the presently claimed invention.

3. Summary of missing elements.

As can be seen from the foregoing comparisons of the prior art to the presently claimed invention, the prior art fails to teach or suggest several limitations of the presently claimed invention.

With regard to claim 1, Conmy and Henneuse do not teach solicitation via a web page, or a process initiated by the action of an invitee on a web page. As discussed above, in Conmy and Henneuse the process is initiated and controlled by the person coordinating the event.

Also with regard to claim 1, Conmy and Henneuse do not teach a "schedule request." It is important not to confuse a "schedule request" in the presently claimed invention with either (i) an "invitation" or message to the invitee in the prior art, or (ii) any part of the process by which Conmy and Henneuse gather data about the availability of desired attendees.

In Conmy and Henneuse, both invitations and communications relating to determining availability of potential attendees are communication between the person coordinating the event and potential attendees (or databases holding the calendar of such a potential attendee). In contrast, the schedule request of the presently claimed invention is a communication among computers designed to establish a record of an event (the "event record").

In addition, Conmy and Henneuse do not disclose an "event record" at the server, and which exists separate from the calendar of the event coordinator or the invitees.

Accordingly, for at least for foregoing reasons, claim 1 and the claims that depend from claim 1 (i.e., claims 1-9) are not anticipated by Conmy and Henneuse.

Claim 10 is distinguishable from Conmy and Henneuse on similar grounds to those that distinguish claim 1. In addition, as acknowledged by the Examiner in the office action, Conmy does not disclose a link in a web page that, when selected by an invitee, initiates the calendaring process. Indeed, when compared to the presently claimed invention, neither Conmy nor Henneuse teach a counterpart web page at all, and therefore cannot teach such a link on such a web page.

Further, Conmy's use of a web page is limited to assisting the event coordinator to assess the availability of potential invitees <u>before</u> the ultimate event time is even determined. Similarly, in Henneuse the use of web pages is limited to assisting the event coordinator to assess the availability of potential invitees <u>before</u> the ultimate event time is even determined. In contrast, the web page in the presently claimed invention is not a tool to assess the availability of potential attendees before the event time is established (indeed, the presently claimed invention does not need or perform any such assessment); rather the web page of the presently claimed invention is a medium of solicitation to potential attendees <u>after</u> the event time has been determined, and as such is not taught by Conmy and Henneuse.

Accordingly, for at least the foregoing reasons, claim 10 and the claims that depend from claim 10 (i.e., claims 11-13) are not anticipated by Conmy and Henneuse.

With regard to claim 14, Conmy and Henneuse do not teach at least program code for creating a schedule request (indeed, Conmy and Henneuse do not teach a schedule request at all), and do not teach an event record at the server. Accordingly, for at least the foregoing reasons, claim 14 and the claims that depend from claim 14 (i.e., claims 15-18) are not anticipated by Conmy and Henneuse.

CONCLUSION

Applicants' independent claims are not taught by Conmy in view of Henneuse, since each and every limitation is not taught by these references, either alone or in combination.

It is well-settled that dependent claims of an allowable claim are themselves allowable. Thus, Applicant respectfully submits that dependent claims 2-9, 11-13, and

15-18 for at least the foregoing reasons. Therefore, allowance of independent claims 1, 10, and 14 is respectfully requested.

It is believed that no extension is required for this application. However, if any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972. If the examiner has any questions, please feel free to contact the undersigned at (617) 443-9292.

Respectfully submitted,

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